

DAC/JPW

PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

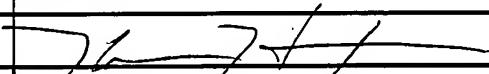
Total Number of Pages in This Submission

Application Number	10/740,264
Filing Date	December 2, 2005
First Named Inventor	Fernandez Forner et al.
Art Unit	1625
Examiner Name	C. Aulakh
Attorney Docket Number	AL-01USD

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Transmittal Letter
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Declaration (2 pages)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	Exhibit A (6 pages)
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	Exhibit B (2 pages)
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		Exhibit C (2 pages)
Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Hoxie & Tso LLP		
Signature			
Printed name	Thomas Hoxie		
Date	December 2, 2005	Reg. No.	32,993

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Michele Konrad	Date	December 2, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant:	Fernandez Forner et al.	)	Examiner: C. Aulakh
Serial No.	10/740,264	)	Group Art Unit: 1625
Filed:	12/17/03	)	Docket: AL-01-USD
Title:	Novel Quinuclidine Derivatives and Medicinal Compositions	)	

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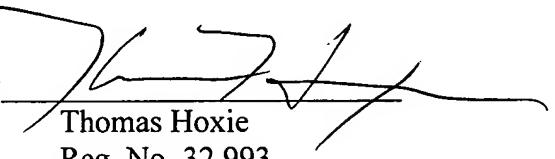
In response to the Notice to Abandonment (copy enclosed), enclosed herewith is a Petition to Withdraw Holding of Abandonment and Declaration of Thomas Hoxie.

It is believed that no fee is necessary. If additional fees are necessary, please charge the same (or credit any overpayments) to Deposit Account 50-3464.

Respectfully submitted,  
Hoxie & Tso LLP

Date: December 2, 2005

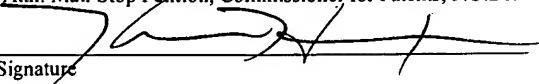
By

  
Thomas Hoxie  
Reg. No. 32,993  
Hoxie & Tso LLP  
374 Millburn Avenue  
Suite 300E  
Millburn, NJ 07041  
Attorney for Applicants

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Attn: Mail Stop Petition, Commissioner for Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 2<sup>nd</sup> day of December, 2005

Name

Thomas Hoxie

  
Signature



# UNITED STATES PATENT AND TRADEMARK OFFICE

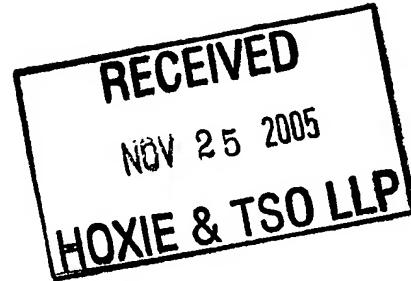
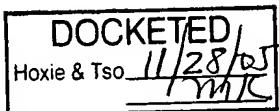
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
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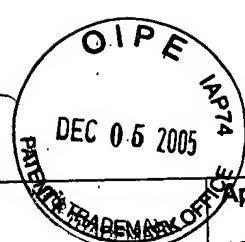


APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
0740,264	12/17/2003	Maria Dolors Fernandez Forner	251502007410	1918
7590	11/21/2005		EXAMINER	
Thomas Hoxie (Hoxie & Tso LLP) 374 Millburn Avenue Suite 300 E Millburn, NJ 07041			AULAKH, CHARANJIT	
			ART UNIT	PAPER NUMBER
			1625	

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.





<b>Notice of Abandonment</b>		Application No.	Applicant(s)	
		10/740,264	Forner	
		Examiner	Art Unit	
		AULAKH	1625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.  
 (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.  
 (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
 (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).  
 (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).  
 (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).  
 (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).  
 (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
 The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.  
 (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).  
 (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.  
 (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:

slk

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

# Attachment to Notice of Abandonment



**For questions concerning the notice contact  
Office of Patent Publication  
Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:  
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

## **Respond to the Notice of Abandonment by one of the following:**

### **1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

### **2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:  
By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

### **3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:  
By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant:	Fernandez Forner et al.	)	Examiner: C. Aulakh
Serial No.	10/740,264	)	Group Art Unit: 1625
Filed:	12/17/03	)	Docket: AL-01-USD
Title:	Novel Quinuclidine Derivatives and Medicinal Compositions	)	

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Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT PURSUANT TO 37 CFR § 1.181 OR PETITION TO REVIVE PURSUANT TO 37 CFR § 1.137**

Dear Sir:

Applicants hereby petition the Commissioner pursuant to 37 CFR § 1.181 to withdraw the holding of abandonment of the above-identified application for patent or in the alternative, to revive the application pursuant to 37 CFR § 1.137 as being unavoidably and/or unintentionally abandoned.

**1. The Holding of Abandonment Should be Withdrawn**

A Notice of Abandonment mailed November 21, 2005 was received on November 25, 2005. The stated basis for the Notice of Abandonment was failure to pay an issue fee within the period required in a Notice of Allowance (Form PTOL-85). However, a review of the Patent and Trademark Office records available in the PAIR system show that no Notice of Allowance was ever sent. Moreover, Applicants never received a Notice of Allowance. Applicants thus respectfully request the withdrawal of this Notice of Abandonment.

A Notice of Allowability, Form PTOL-37, was mailed March 30, 2005 and received by Applicants' previous attorneys of record, Morrison & Foerster LLP (Exhibit A). A Communication and Amendment under 37 CFR §1.312 was sent by Shannon Reaney of Morrison & Foerster LLP on April 28, 2005. A request for Withdrawal as Attorney and Change of Correspondence indicating Thomas Hoxie of Hoxie & Tso as the new attorney of record was

sent by Morrison & Foerster LLP on June 2, 2005. A Notice of Abandonment was mailed on November 21, 2005 and received by Thomas Hoxie on November 25, 2005.

As soon as Applicants became aware of the abandonment of this application, immediate steps were taken to determine the reasons therefore, and to have the abandonment of this application withdrawn through this petition.

A search of the Patent and Trademark Office file for this application indicates that a Notice of Allowance was mailed on June 2, 2005 (see transaction history, dated December 1, 2005, Exhibit B). However, no Notice of Allowance on that date was found in the PAIR system (see image file wrapper, dated December 1, 2005, Exhibit C). From the Patent and Trademark Office Image File Wrapper records, a Notice of Allowance (Form PTOL-85) was listed as sent on March 30, 2005. However, when this document is opened, it is actually the Notice of Allowability document, Form PTOL-37, sent on March 30, 2005, which is confirmed by examination of the Patent and Trademark Office records. No Notice of Allowance was received from the Patent and Trademark Office and it is evident from these records that the incorrect Notice of Allowance form was inadvertently docketed in the issue records and not sent.

Accordingly, the Applicants respectfully request the following:

- (1) The holding of abandonment be withdrawn nunc pro tunc;
- (2) A Notice of Allowance be sent and a date for payment of the issue fee set, so that the application can issue as a patent; and
- (3) The term of any patent issuing from the above-captioned application be adjusted in accordance with 37 CFR § 1.701 et seq.

**2. If the Holding of Abandonment is Withdraw, the Application Should Nevertheless Be Revived**

In the alternative, should this petition to withdraw the holding of abandonment be disallowed, Applicants request that this petition be treated as a petition to revive the application as being unavoidably abandoned, by reason of the fact that the Notice of Allowance (Form PTOL-85) was not received and the non-payment of the fee was thus unavoidable. The Patent and Trademark office is authorized to charge the issue fee and any fee required for petition under 37 CFR §1.137 to Deposit Account No. 50-3464.

Should this petition to withdraw the holding of abandonment and the petition to revive the application as being unavoidably abandoned be disallowed, Applicants request that this

petition be treated as a petition to revive the application as being unintentionally abandoned, by reason of the fact that the Notice of Allowance was not received and the non-payment of the fee was thus unintentional. The Patent and Trademark office is authorized to charge the issue fee and any fee required for petition under 37 CFR §1.137 to Deposit Account No. 50-3464.

The Declaration of Thomas Hoxie of Hoxie & Tso LLP is being filed concurrently herewith in support of Applicants' petition.

Respectfully submitted,  
Hoxie & Tso LLP

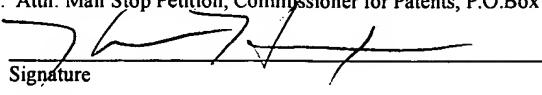
Date: December 2, 2005

By

  
Thomas Hoxie  
Reg. No. 32,993  
Hoxie & Tso LLP  
374 Millburn Avenue  
Suite 300E  
Millburn, NJ 07041  
Attorney for Applicants

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Attn: Mail Stop Petition, Commissioner for Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 2nd day of December, 2005

Name Thomas Hoxie

  
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Fernandez Forner et al.	)	Examiner: C. Aulakh
Serial No.	10/740,264	)	Group Art Unit: 1625
Filed:	12/17/03	)	Docket: AL-01-USD
Title:	Novel Quinuclidine Derivatives and Medicinal Compositions	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF THOMAS HOXIE**

Dear Sir:

I, Thomas Hoxie, declare as follows:

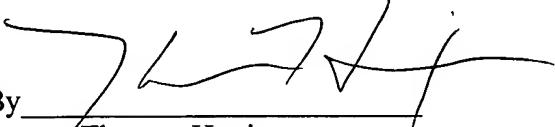
1. I am a registered patent attorney, Registration No. 32,993.
2. I am a partner in the firm of Hoxie & Tso LLP, 374 Millburn Avenue, Suite 300E, Millburn, NJ 07041.
3. I am responsible for the prosecution of the above-identified United States Patent Application.
4. On March 30, 2005, a Notice of Allowability, Form PTOL-37 was sent from the Patent and Trademark Office in the above-identified patent application to Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, CA 94304.
5. The Notice of Allowability was received April 5, 2005 by Morrison & Foerster LLP, a copy of which is attached hereto as Exhibit A.
6. The abandonment of this case first came to my attention on November 25, 2005, upon receipt of a Notice of Abandonment mailed November 21, 2005.
7. Upon receipt of the November 21, 2005, Notice of Abandonment, I immediately looked into the situation and found that no Notice of Allowance, Form PTOL-85, was ever received from the Patent and Trademark Office.
8. I then obtained and reviewed the Patent and Trademark Office file in PAIRS for this application. A Notice of Allowance, Form PTOL-85, was shown as listed in the file,

but upon opening the document, the actual document is the Notice of Allowability, Form PTOL-37 mailed March 30, 2005 and received April 5, 2005, which is in my files.

9. I have never received a Notice of Allowance, Form PTOL-85, in this case from the Patent and Trademark Office.

10. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application of any patent issuing thereon.

Respectfully submitted,

By 

Date: December 2, 2005

Thomas Hoxie  
Reg. No. 32,993  
Hoxie & Tso LLP  
374 Millburn Avenue  
Suite 300E  
Millburn, NJ 07041  
Attorney for Applicants



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,264	12/17/2003	Maria Dolors Fernandez Forner	251502007410	1918
25226	7590	03/30/2005		EXAMINER
MORRISON & FOERSTER LLP				AULAKH; CHARANJIT
755 PAGE MILL RD				
PALO ALTO, CA 94304-1018				
			ART UNIT	PAPER NUMBER
			1625	

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/740,264	FERNANDEZ FORNER ET AL.
	Examiner Charanjit S. Aulakh	Art Unit 1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Paper filed on 22 December 2004.
2.  The allowed claim(s) is/are 36-55,61 and 63.
3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 2
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

**RECEIVED**

APR 05 2005

Morrison & Foerster, LLP  
Palo Alto

5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 03/24/2005.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other Subs. of interview - LD.

DOCKETED Georgina

REMINDER: 4-12-2005

FINAL DUE DATE: 4-30-2005

**DETAILED ACTION**

1. According to paper filed on Dec. 22, 2004, the applicants have canceled claims 56-60 and furthermore, have amended claims 36, 37, 53-55 and 62. The applicants have also amended the abstract.
2. Claims 36-55 and 61-63 are now pending in the application.

**EXAMINER'S AMENDMENT**

3. The following amendment is pursuant to a telephone conversation with the applicant's attorney, Ms. Shannon Thomas Reaney on March 24, 2005. The following changes have been made in claims:

Cancel claim 62.

**REASONS FOR ALLOWANCE**

4. The following is an examiner's statement of reasons for allowance:  
Claims 36-55, 61 and 63, renumbered as claims 1-22, are allowed since the applicants have either canceled or amended claims to overcome enablement, indefiniteness and prior art rejections and therefore, all rejections under 35 U.S.C. 112, first paragraph and second paragraph as well as under 35 U.S.C. 102(a) and 102(b) are now withdrawn.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charanjit S. Aulakh whose telephone number is (571)272-0678. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on (571)272-0562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charanjit S. Aulakh  
Primary Examiner  
Art Unit 1625

<b>Interview Summary</b>	Application No.	Applicant(s)
	10/740,264	FERNANDEZ FORNER ET AL.
	Examiner Charanjit S. Aulakh	Art Unit 1625

All participants (applicant, applicant's representative, PTO personnel):

(1) Charanjit S. Aulakh. (3) \_\_\_\_\_.

(2) Shannon Thomas Reaney. (4) \_\_\_\_\_.

Date of Interview: 24 March 2005.

Type: a) Telephonic b) Video Conference  
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 62.

Identification of prior art discussed: \_\_\_\_\_.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: An agreement was reached to cancel claim 62 by an examiner's amendment.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

## Summary of Record of Interview Requirements

**Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record**  
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted.
- 2) An identification of the claims discussed.
- 3) An identification of the specific prior art discussed.
- 4) An identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner.
- 5) A brief identification of the general thrust of the principal arguments presented to the examiner.  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) A general indication of any other pertinent matters discussed, and
- 7) If appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.



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Application Transaction Data	Image File Wrapper	Patent Term Adjustments	Continuity Data	Foreign Priority	Published Documents	Publication Dates	Address & Attorney/Agent
Date							Contents Description
							11-21-2005 Mail Abandonment for Failure to Pay Issue Fee
							11-21-2005 Abandonment for Failure to Pay Issue Fee
							11-09-2005 Correspondence Address Change
							11-09-2005 Change in Power of Attorney (May Include Associate POA)
							10-24-2005 Receipt into Pubs
							07-01-2005 Workflow - File Sent to Contractor
							06-17-2005 Mail Response to 312 Amendment (PTO-271)
							06-17-2005 Response to Amendment under Rule 312
							04-28-2005 Amendment after Notice of Allowance (Rule 312)
							04-28-2005 Amendment after Notice of Allowance (Rule 312)
							06-02-2005 Mail Notice of Allowance
							06-01-2005 Notice of Allowance Data Verification Completed
							03-30-2005 Mail Examiner Interview Summary (PTOL - 413)
							12-22-2004 Reference capture on IDS
							03-25-2005 Examiner Interview Summary Record (PTOL - 413)
							03-24-2005 Reference capture on IDS
							03-24-2005 Information Disclosure Statement (IDS) Filed
							12-22-2004 Oath or Declaration Filed (Including Supplemental)
							12-22-2004 Information Disclosure Statement (IDS) Filed
							03-21-2005 Date Forwarded to Examiner
							12-22-2004 Response after Non-Final Action
							12-22-2004 Request for Extension of Time - Granted
							12-22-2004 Workflow incoming amendment IFW
							07-22-2004 Mail Non-Final Rejection
							07-22-2004 Non-Final Rejection
							06-10-2004 Date Forwarded to Examiner
							05-24-2004 Response to Election / Restriction Filed
							05-24-2004 Workflow incoming amendment IFW
							04-22-2004 Mail Restriction Requirement
							04-21-2004 Requirement for Restriction / Election
							03-08-2004 Reference capture on IDS
							03-08-2004 Information Disclosure Statement (IDS) Filed
							04-08-2004 IFW TSS Processing by Tech Center Complete
							12-17-2003 Reference capture on IDS
							12-17-2003 Information Disclosure Statement (IDS) Filed
							12-17-2003 Preliminary Amendment
							04-08-2004 Case Docketed to Examiner in GAU
							03-31-2004 Application Return from OIPE
							03-31-2004 Application Return TO OIPE
							03-31-2004 Application Dispatched from OIPE
							03-31-2004 Application Is Now Complete
							03-04-2004 Cleared by L&R (LARS)
							02-19-2004 Referred to Level 2 (LARS) by OIPE CSR
							01-20-2004 IFW Scan & PACR Auto Security Review

Exhibit B

12-17-2003 Initial Exam Team nn

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Application Data	Transaction History	Image File Wrapper	Patent Term Adjustments	Continuity Data	Foreign Priority	Published Documents	Publication Dates	Address & Attorney/Agent
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Mail Room Date	Document Description	Page Count	<a href="#">Select All</a>	<a href="#">Start Download</a>	<a href="#">Clear All</a>
11-21-2005	<a href="#">Abandonment</a>	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11-10-2005	<a href="#">Bibliographic Data Sheet</a>	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11-09-2005	<a href="#">Communication - Re: Power of Attorney (PTOL-308)</a>	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
08-31-2005	<a href="#">Bibliographic Data Sheet</a>	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
06-17-2005	<a href="#">Miscellaneous Action with SSP</a>	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
06-02-2005	<a href="#">Power of Attorney (may include Associate POA)</a>	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
04-28-2005	<a href="#">Amendment After Final or under 37CFR 1.312, initiated by the examiner</a>	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
04-28-2005	<a href="#">Amendment after Notice of Allowance (Rule 312)</a>	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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04-28-2005	<a href="#">Applicant Arguments or Remarks Made in an Amendment</a>	3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
04-28-2005	<a href="#">Miscellaneous Incoming Letter</a>	4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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03-30-2005	<a href="#">Examiner Interview Summary Record (PTOL-413)</a>	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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03-30-2005	<a href="#">Search information including classification, databases and other search related notes</a>	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
03-24-2005	<a href="#">Information Disclosure Statement (IDS) Filed</a>	8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12-22-2004	<a href="#">Fee Worksheet (PTO-875)</a>	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12-22-2004	<a href="#">Amendment - After Non-Final Rejection</a>	3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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12-22-2004	<a href="#">NPL Documents</a>	9	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12-22-2004	<a href="#">Oath or Declaration filed</a>	13	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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07-22-2004	<u><a href="#">Non-Final Rejection</a></u>	7	<input type="checkbox"/>
07-22-2004	<u><a href="#">List of references cited by examiner</a></u>	1	<input type="checkbox"/>
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07-22-2004	<u><a href="#">NPL Documents</a></u>	5	<input type="checkbox"/>
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05-24-2004	<u><a href="#">Response to Election / Restriction Filed</a></u>	5	<input type="checkbox"/>
04-22-2004	<u><a href="#">Requirement for Restriction/Election</a></u>	5	<input type="checkbox"/>
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03-08-2004	<u><a href="#">Information Disclosure Statement (IDS) Filed</a></u>	5	<input type="checkbox"/>
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